

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WILMER ALONZO STANLEY HINDS,	:	
Petitioner,	:	
	:	
v.	:	CIVIL ACTION 12-0462-KD-M
	:	CRIMINAL ACTION 08-00135-KD-M
	:	
UNITED STATES OF AMERICA,	:	
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated September 21, 2012, is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that the Respondent's Motion to Dismiss (Doc. 93) is **GRANTED**, the Petitioner's Motion to Vacate (Doc. 91) is **DENIED**, and that this action is **DISMISSED**. It is further **ORDERED** that, if Petitioner files a certificate of appealability, then it is **DENIED** as he is not entitled to appeal *in forma pauperis*.

DONE and ORDERED this the 12th day of **October 2012**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE